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ABSTRACT

Little has been written about how to manage school-district conflict produced by a privatization initiative. This paper presents findings of a case study that investigated the politics of implementing a privatization initiative in a Michigan school district. The case demonstrates that no board of education should initiate a public discussion about any controversial issue without first considering the possible effects of the debate on public support for education. The constituent groups--parents, teachers, taxpayers, students, and various education and judicial authorities--reacted differently to the board's proposal for privatized services. In concluding, the paper offers suggestions for carrying out a viable political process: (1) initiate a policy context for the discussion; (2) identify the needs that precipitated the privatization discussion; (3) avoid blaming any individual or group; (4) learn before acting; (5) design a rational decision-making process that reflects an understanding of the interests of all constituent groups; (6) seek diversity in the study process; (7) involve the media; (8) make a situational decision; and (9) avoid promising a miracle. (Contains 27 references.) (LMI)

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The Politics of Privatization: A Case Study

by

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Background of the Paper

In January, 1994 Samuel Flam, a former school superintendent then functioning as an independent consultant, was hired to be interim superintendent of the Reverence (pseudonym) Michigan, Public School District under a two week renewable contract while the Board of Education conducted a search to replace the superintendent who had been recently terminated. The term of service eventually extended to almost seven months. On the third day of work in the district Flam was told by two officers of the board of education that representatives of Education Alternatives Incorporated (EAI), a private corporation, were being invited to address the full board the following Monday about the possibility of privatizing both instructional and support service functions of the district. Thus began an experience that required Flam to quickly learn the intricacies of contracting for a broad base of services and to master the explosive political debate which was to follow. Issues related to the history of, intellectual foundation for, and technical issues related to contracting are included in the book Flam has co-authored (Flam & Keane, 1997). The book also devotes a chapter to "The Politics of Privatization," a topic that this paper develops as a discrete subject.

Savas has pointed out that the term "privatization" is a relatively new term. He could find no dictionary entry for the work prior to 1983 (Savas, 1987). Early writings about privatization of government services examined municipal, state, and federal government privatization efforts. Only recently have education writers turned their attention to the theory and practice of privatization in the education sector (Murphy, 1996; Ascher, Fruchter & Berne, 1996; Government Accounting Office, 1996; Sawicky, Shore, and Richards, 1997). Privatization of instructional programs is a relatively new phenomenon, probably first entering the public consciousness with the short lived interest in performance contracting and, to a lesser extent, a few voucher experiments in the late 1960's and 1970's (Carpenter, P., Chalfant, A. W. , & Hall, G. R. , 1971; Campbell, R. F. & Lorion, J. E. , 1972; Levine, D. M. , 1972; Gramlich, E. M., & Koshel, P. P., 1975). In the education environment privatization almost always refers to a process of contracting out one or more functions. It does not refer to the more literal forms of privatization: allowing contractors to provide a service formerly provided by government in return for a percentage of profit or a fee paid to the government entity, the sale of properties, or complete withdrawal from a service in favor of a private provider.

There is evidence that contracting out school support services (bus transportation, cafeteria services, data processing and so forth) has been increasing in frequency. This trend emulates the movement in the private sector to "outsourcing," subcontracting to other companies responsibility for services and functions that are not part of the core business; for example, cafeteria services (Anderson, 1995). Several studies show that school bus transportation is the most frequently contracted out of support services, with estimates ranging from 33% of all school transportation (NEA, 1995) to 44% (Abramson, 1993). In 1987-88 the figure was estimated to be as high as 75% in Pennsylvania (NEA,1995). Food service is a growing area of interest for private providers because schools face declining availability of government commodities,

changing student tastes, political resistance to price increases and other factors which make operation of a break even food service program increasingly difficult Contracting out a single support function in the public sector is seldom accomplished without controversy. However, a community-wide controversy is usually not engendered when such initiatives are carried our for defined economic reasons that can be understood by the general public, and when they do not affect a significant number of employees.

Nevertheless, little has been written about how to manage conflict initiated by a privatization initiative. Few districts have any experience in contracting out the core educational program, and virtually all of these transitions have sparked conflict.

The authors herein offer a detailed analysis of the politics of implementing a privatization initiative in one environment. This paper represents a retrospective case study of a community conflict. There is reason to believe that the conclusions offered here can be generalized. Subsequent research by the authors will attempt to capture a picture of the politics of privatization in many communities around the country.

Admittedly inferences drawn from one context are suspect; they will lack ecological validity (McMillan, 1996) since different environments may produce different results. Cronbach (1980) has warned that "... entirely idiosyncratic case studies may yield little that is useful beyond the case study setting." Yet as Guba and Lincoln point out "...it is virtually impossible to imagine any human behavior that is not heavily mediated by the context in which it occurs" (1981, p.62). This paper recognizes that generalizations about how to manage controversy and conflict demonstrated in the Reverence situation are, at best, tentative. However, the elements of this controversy are similar to the configuration of other controversies that the two authors, both former school superintendents, have experienced. This situation suggests that managing a privatization controversy is not substantially different from dealing with any other significant change that might lead to community controversy. Basic principles of public relations, staff relations, community development, and strategic and systems thinking are confirmed in this situation. Therefore the concepts and skills necessary to manage a privatization initiative appear to be similar to those needed to manage any other major school change or reform. The paper attempts to demonstrate the applicability of these principles to this type of community conflict.

The reader is left to decide whether this material is qualitative social science research or history. That discipline has its own contribution to make to scholarship.

THE CASE STUDY

In a democracy, politics is the organized process whereby citizens, working through their elected officials, make policy decisions about how government should operate. Some will express their views indirectly through the ballot box; others will come to meetings and/or volunteer for service. As Salisbury (1980) has pointed out, social context is important in defining who becomes actively involved in government affairs

and how they do so. This case study examines how a change in context led to a radical change in the manner in which most citizens in the community decided to become involved in school affairs.

The Reverence case demonstrates the certain truth that no board of education should initiate a public discussion about any controversial issue without first deciding whether the political, economic, and social consequences of the debate will result in stronger, weaker or undiminished support for the schools on the part of district residents. Today almost any privatization initiative is likely to create some community controversy. Therefore, it is particularly important that a board of education look at these foundation issues before starting a community debate.

Public opinion in this school district was chameleon colored. Citizens increasingly demanded the lowest possible tax rate, rejecting mileage renewal requests at four different elections. However, citizen focus on cost effectiveness was too easily forgotten in a debate that caused all constituents to take strong, extreme and unyielding positions about privatizing. The controversy erupted in a powerful tension among the constituencies of the district. This turbulence occurred because reduction in salary costs is often a major result of privatizing district activities, and any reduction of jobs or salary levels would impact district employees. The vast majority of these employees lived within the small community. Therefore, the mere contemplation of changing allocated budgets was considered a challenge to the vested interests of many of the district's constituent groups.

Once the investigation of contracting began in the precipitative manner described in the Background section of the paper, the state and national organizations to which school employees belonged responded with alarm and with resources focused on defeating any contracting attempts. This should not have been surprising. The National Education Association has publicly announced its unequivocal opposition to contracting out jobs currently held by its members (NEA, 1995).These organizations were able to generate considerable pressure on local groups to join with them in attacking the board's consideration of a proposal to change the status quo.To compound the tension, unaffected groups seized upon the upheaval to move forward their unrelated political agenda.

Further, board members who cast votes to permit the investigation of contracting found themselves and their families bombarded by verbal and written attacks bordering on psychological warfare. This psychological pressure had a mixed result. The teacher union packed board meetings during which they made endless, repetitive and sometimes personal attacks on board members. A few board members became alarmed at the long term damage to the district's network of relationships which was occurring. But other members were pushed by these attacks into an "us and them perspective," viewing of opponents to privatization as 'the enemy.' With each fresh attack, these board members expressed a growing desire to "win" at all costs,- to prove that privatizing was the "right answer". These board members seemed determined to

outlast the pressure and win their victory by privatizing at least some of the district's functions. This hardening of views interfered with their ability to examine objectively the proposals which they received. The company became the ally and the constituent the enemy. The social cost of this turmoil was a loss of faith by parents, educators and the community at large in their educational system and a breakdown of trust in the system's policy makers.

Core Constituencies and Their Issues.

The constituent groups reacted differently to the board's consideration of privatizing school district services:

Parents - Usually concerned about shared or community control with an eye toward advising board members, parents were initially uncertain about their position on contracting. Since Reverence did not have a strong PTA or PTO organization, it was difficult to influence the collective attitude of parents through the usual parent-to-school affiliation. This made it easier for unions to influence parents on a one on one basis (teacher notes and calls to parents, 'across the fence' discussions with neighbors who might be employed as bus drivers or custodians, etc.). Parents as taxpayers seemed torn by the conflict between supporting the concept of saving tax money through outsourcing and giving moral support to the fight engaged in by their neighbors and the their child's teacher.

Teachers - Reverence's consideration of outsourcing provided a concrete example of how the absence of walls around a school district opens it to public and private influences from the environment. Although local teachers expressed abundant and loud concern about the privatizing initiative, the intensity of the board's conflict with the district's teachers' association was significantly influenced by outside forces. Leadership of the Michigan Education Association (MEA) was alleged to have made it known that the Reverence resistance to outsourcing school district activities was important to every teacher in America. The MEA initiated written messages, personal contact with community leaders, and regional teacher meetings. They used financial contributions to initiate a negative media campaign. They made sure every school board meeting was packed with hundreds of teaching staff from districts far away from Reverence. This activity put significant political pressure on the Board, especially since several members were scheduled for reelection in subsequent months.

Taxpayers - Although the incentives for contracting district services had at their core the reduction of district costs for those services, propaganda resulted in a disbelief of this often stated rationale. The local, regional and national media became permeated with distorted views about Reverence's purpose for considering privatizing the district's educational programs. The loud media campaign, the presence of many outsiders at local board meetings, and the virulence of the personal attacks on individual board members made it nearly impossible for individual community representatives serving

on a Board appointed Citizen Advisory Committee to function in rational environment when considering the wisdom of such a step.

Local, State and Judicial Authorities - On several occasions a judge was asked to issue injunctions to halt the implementation of board decisions, or to assign damages for alleged improper meeting procedures. Litigation was usually initiated in the name of local teachers, but argued by an attorney who normally represented the state teachers' association. These actions significantly punished the board (and its administration) for considering privatization by increasing the board's time commitment and legal expense. Local and state officials, although privately expressing views of support, refused to go public with their support, pointing to the politically sensitive nature of the debate.

Students - Written and verbal appeals were made jointly by the superintendent and teacher union president asking teachers to refrain from expressing their personal opinions about the privatizing issue within the classroom. However, several teachers emphasized to students that a contract with Education Alternatives, Incorporated, (EAI) might lead to their layoff. These scary proclamations contributed to a strike against privatizing initiated by middle school students, and a high school Student Council demand for face to face interactions with EAI company officials. Everyone in the educational community believed it could be a good lesson in democracy for the students to actively engage in the debate if their involvement was managed properly, and several opportunities were used to hold forums on the pros and cons of the issue. But negative attitudes toward the contracting of services concept continued to be covertly perpetuated among students by staff members. As one would expect, it was often easy to hear the same negative phrasing reflected in student comments and questions as expressed by adult opponents to EAI's intentions.

The universal imperatives of effective school district governance - broad public participation in important policy decisions and the wide distribution of accurate information to all citizens - are the foundation for dealing with all hotly contested issues, including privatization initiatives. However, moving toward a privatization decision in some communities can result in a searing emotional experience for board members and administrators. The strategy for managing the political process of decision making always should be undertaken with this possibility in mind.

Managing the Politics of Privatization: Findings and Conclusions

As indicated earlier, the social cost of too much turbulence over privatization can be a loss of faith by parents, educators and the community at large in their educational system and a breakdown of trust in the system's policy makers. The calculus of controversy; that is, the relationship between the size of the community, the size of the privatization initiative and the level of controversy that is likely to result, cannot be predicted. It may be logical to assume that the smaller the initiative, the less controversy that is likely to ensue, but that is no certainty.

In one district, a proposed switch from a district run transportation system to a contracted system could result in a few contentious board meetings and then a return to normalcy. In another community, the same proposal could lead to petitions for school board recall, furiously contested school board elections, and neighbor pitted against neighbor in a raucous community debate.

Today almost any privatization initiative is likely to create some community controversy. Successfully privatizing school district programs or services will require the reconciliation of public, employee, and special interests. The expression of employee and other interests may be articulated only from within the district or may also be imported from outside the district by any of various interest groups. The district's choice of strategy for making a change can also fundamentally affect the profile of the discussion.

A district considering privatizing needs both a strategic plan and a systems perspective when attempting to introduce the concept of privatization to a community, especially one that might be unfamiliar with national trends in this area. (The authors are now working with another school district in which the impetus to consider privatization is coming from community and business leaders, some on the Board of Education itself. This situation makes for a totally different dynamic within the community. This is a permutation of this debate that the authors hope to pursue in subsequent research.)

To maintain control of the process, which is one of the main goals of a well designed political strategy, the board should develop a study plan once the possibility of privatization elicits enough interest among its members to warrant consideration. Good planning will increase the chance that discussions will be issue-focused rather than emotion-laden.

The Reverence experience suggests that a viable political process will have as a minimum the following elements:

- *Initiate a policy context for the discussion.*

The Reverence Board began the privatization discussion by leaping to a complete solution: the proposal that contracting out virtually all district functions was the best method to deal with the district's fiscal problems and the identification of EAI as a vendor of preference.

Thus community involvement began at what should have been a terminal point, a discussion about the credibility of EAI's promises to improve services and reduce expenditures. There was no policy context to justify the Board's action. The chain of events in Wilkinsburg, Pennsylvania, where a privatization initiative soon followed an acrimonious collective bargaining process, inevitably created a siege mentality among employee groups and contaminated the possibility for rational discussion (Flam &

Keane, 1997).

- Boards might best begin by adopting a broad policy statement about the need to use scarce resources wisely and to consider all options toward that end. Such a policy alerts the various constituencies to the board's positive intentions and helps prepare them for subsequent events. It also sets the stage for a broad discussion of all options available to improve district productivity.

    - *Identify the need(s) which give rise to the privatization discussion.*

The Board and Administration must identify clearly and specifically the problem(s) they are trying to solve. In Reverence representatives of the private company were coming to a meeting to make a presentation about privatizing the whole district before the Board had explained clearly to the community why they were taking this step. Though they subsequently tried very hard to articulate that their intention was to find ways to use scarce dollars more effectively, by the time they got their message across, the debate had gotten out of control.

- *Be positive.*

After recovering from their shock that so profound a change was being discussed by the board without warning, many Reverence staff believed that outsourcing was being considered because members of the Board and community felt that some, if not all,custodians, bus drivers and teachers were not doing an adequate job. The Board's action to consider privatization seemed to these staff members as a desire to punish them.

Kotter (1985) has argued that too many managers are one dimensional in their attitudes about human nature; they are either naive about imperfection and the continual conflict in humans between their base and altruistic motives or they are afflicted by a transcending cynicism about the causes for the way people behave. A realistic assessment of human interaction does not require a negative focus. Most districts facing severe financial or academic achievement problems are so afflicted because of circumstances most often not of their making. Many of these twin pathologies are found in districts which are victims of unfair state school funding formulas. Urban and rural districts are disproportionately burdened by both of these difficulties. Most professionals and policy makers share a desire for better things for the district and its young people. Usually most are working to capacity within each individual's level of knowledge or training. It is best to avoid blaming any individual or group for present circumstances. The focus for public discussion of privatizing must be on finding better ways, ways that are beyond the knowledge, capacity, or experience of present employees. Deming (1984), Senge (1990) and others have noted that the imperfections of most institutions are largely attributable to weaknesses in the organization, not human failure. "There is no blame" (Senge, 1990, p.67). There is only a search for a better way.

- *Learn before acting.*

Reverence board members lacked a common understanding of the privatization process as well as its possible risks. This lack of shared knowledge was especially observable among members of the community and affected employee groups and resulted in arguments among participants who lacked the background and vernacular which would have been helpful in mediating the conflict. This lack of background also resulted in an absence of advocates for the Board's expedition into privatizing among administrators and usually sympathetic community members.

Senge (1990) has noted that bright, committed people often work hard to make things better but to no avail because they lack the knowledge and insight to envision the long term consequences of their actions. Board members and administrators, and ultimately key community members and employee groups, need to read and learn about issues, theories, practice and policy before embarking on the pursuit of a specific solution involving privatizing. Since successful privatization is both type and site specific, visitation to areas where success has been asserted are necessary. Other solutions, such as redesigning current internal processes and procedures or cooperating with other government entities, may be more suitable to reducing costs or increasing productivity.

- *Design a rational decision making process which reflects an understanding of the interests of all constituent groups.*

Reverence district staff were forced to improvise rather than design a plan for dealing with the community debate as incidents unfolded. With no warning from Board members about their intent to investigate privatizing district services, few events could be anticipated. The Board began its consideration of EAI's proposals without a prearranged and announced strategy which identified the details of how it would come to a decision about hiring EAI. This initial lack of planning for constituent involvement resulted in a fear openly expressed by the community, employees and administrators that the Board might 'railroad' a decision in favor of EAI without considering community and staff arguments. In all fairness, it must be noted that some events, like the descent of the followers of Lyndon LaRouch on the district, could not have been anticipated.

Bolman and Deal (1991) point out that "in both Norway and Sweden worker participation in decision making is now legally mandated" (p.612). This movement has taken place,to a greater or lesser extent, in all Western countries for many reasons, including the findings about human motivation going back decades (Maslow, 1954; Argyris, 1957; Herzberg, 1966). The basic concept that people will accept more readily a decision which they helped to make will apply to a privatization initiative. A prior approach to employee groups to explain that the current financial circumstances of the district required a careful examination of all options to maximize efficiency and increase productivity would have reduced, though certainly not eradicated, staff fears in

Reverence. Defining methods for employee groups to contribute positively to such a discussion would have increased their sense of control of the situation. Assuring employees that they will have a chance to recommend cost saving opportunities or productivity initiatives before a contract with an outside firm is signed can ease tension. Allowing employees the opportunity to bid against an outside firm should the Board progress to that step has proven successful in several government situations (Osborne & Gaebler, 1992' National Education Association, 1995).

- *Seek diversity in the study process.*

Reverence did many things correctly but too late to overcome much of the damage done by premature announcement of an intention to consider privatizing. The final decision not to privatize the educational program may be attributed to the wide and diverse involvement of interested parties on a Board Advisory Committee and a Superintendent's Committee, which did preliminary analysis of issues and data in order to focus discussion at the Board level.

The necessity for community involvement in the privatization decision is justified by the same rationale that requires staff involvement in the process. Inevitably such a decision will affect a very substantial part of the total community. Therefore a broadly representative group should be established to investigate the district's productivity levels and other needs which may lead to privatizing. It is necessary to involve business representatives, parents, teachers, higher education officials, community leaders, students as well as potentially affected employee groups. Allowing all to hear everyone's ideas about the nature of the problems and the possible menu of solutions can assist in preventing one interest group or viewpoint from determining the conclusions of the study. It is important to refrain from discussing specific solutions to identified problems until fact finding is complete.

- *Involve the Media.*

Although there was enormous local, regional and national media interest in Reverence's signing a "letter of intent" for both the district and EAI to conduct a due diligence of one another's capacity to engage in a viable contract, the Board did not have a plan for proactively interacting with the media at the very beginning of the debate. In contrast, the company had hired a public relations firm to project a positive image to the community. The media was confused about the best source of information, district officials or the company. This resulted in some articles being written which gave vent to extreme positions and others which lacked a basis in fact. Unfortunately these articles were most often published at a time when the community's first impressions were being formed.

The media can be supportive of a sound study process and the final decision if included as important partners. Opportunities for the media to have access to information, opinion leaders, and on-site visits should be carefully and deliberately organized. The

worse mistake any government official can commit in today' post-Watergate/Whitewater mind set is to appear to be hiding information. The more information everyone gets the better. The more widely the media can disseminate accurate information, the more likely it is that the district will maintain positive relationships among the various constituencies during and after a privatization debate.

- *Make a situational decision.*

EAI's initial presentation contained many attractive elements which were designed to respond to specific needs of the Reverence School District. The company was willing to make substantial economic commitments to Reverence in order to secure its first contract to manage the the total services of a suburban district, but it made clear in later discussions that it might not be able to make comparable proposals to other districts. This provided a significant situational advantage to Reverence. Nevertheless, a workable agreement would need to take into account other relevant characteristics of a district, including its political climate, its economic situation, the requirements of state law and a myriad of other considerations. It took months to identify these imperatives, and the process resulted in scores of additional.provisions sought by the district in a contract which never materialized.

A district must match the specific needs of the educational community to the strategies employed to improve productivity. Contracting with private entities is not a patented process. Although there is much to learn from the progress and mistakes of other districts, within and outside the state, it would be a logical error to chose a privatization solution simply because it has been found suitable for a neighboring district.

Private companies may suggest time lines, strategies and contract terms which transfer responsibility for managing the deliberative process and even ultimate control of the service from the school board to the company board.This possiblity clearly demonstrates that district officials need to enter contract negotiations with a firm list of terms and requirements which are best suited to their own district and which maintain the district as final decision maker.

- *Don't promise a miracle.*

Media weather forecasters have learned that it is better to warn of a storm that never comes thant to fail to predict one that does. Officials embarking on a privatization initiative need to be realistic about the potential benefits of outsourcing district activities or services. Unless school officials are cautious in promising benefits, they can be fatally embarrassed by subsequent events. The temptation to oversell privatization as a solution is great when the pitch of controversy is high. The storm caused by disappointment may be more furious than the gale that surrounds the study.

Discussion

The politics of privatizing are risky and complicated but not unmanageable. An essential prerequisite for a rational decision making process is a complete understanding of the interests of all players and a carefully conceived plan for organizing the political process to reach a broadly supported decision. District leadership must remember that simply agreeing to privatize is not enough. The innovation will require the good will necessary to buy enough time to show results. This ambitious goal can be achieved only if all parties feel they have been given adequate attention during deliberations on the issue.

Any vision which results in an upset of the status quo can directly impact the incomes and life styles of the district's constituent groups. Burt Nanus has noted that "...A public sector organization is responsive to a much wider array of influences and interests than that of a private corporation, making the task of scoping a vision for such an agency much more complicated" (1995, p.195). It must be remembered that ideologues on all sides of the privatizing issue prefer the heat generated by an investigation rather than the light a thoughtful and comprehensive study might bring. To prepare themselves for the eventual attacks, the Board and administration need to be honest, most particularly with themselves, about the fundamental interests that drive the privatizing initiative.

Frances E. Winslow (1991) has noted that "All successful political plans for privatization have the voter as their base. Support or dissent starts with those who have the power of the vote" (p. 137). It is possible to know everything about the need to privatize one or more functions of a school district and still be unsuccessful. Unless the public is convinced a privatization initiative will have positive consequences for the district and the citizens both in the short and long term, the effort will be a failure. It is the responsibility of leadership to manage a political process which permits the case to be made effectively to constituents with minimum risk to a breakdown in the fundamental function of the district--- the education of students.

Broad based research is necessary to answer some of the following questions not addressed in this paper:

- What are the variables that contribute to privatization being accepted with relative calm in some communities but not others?

- What have been the long term economic consequences of privatization of support services? There have been a great many magazine pieces testifying to the achievement of reduced costs and productivity improvements as a result of privatizing support services in school districts. There is little actual data presented on a long term basis that might be compared to districts that do not privatize the same function. One of the hazards of privatizing is that the district can become a victim of what Bailey has called a "monopsonistic situation," a circumstance in which there is only one private company to provide a service; thus the private company represents the same type of monopoly the public entity is often accused of being (1991). After the company secures

a contract through a low bid and the district has terminated employees and perhaps sold off equipment, the company is free to increase rates significantly in the next contract.

- How have private companies been able to claim that they can provide better education including more technology in classrooms and home as well as refurbished buildings with the same dollars available to the district? To what extent have such companies used investor funds to supplement school dollars in order to gain a position in the public school market? Since most private takeovers of a full instructional program have either ended in controversy too soon for real results to be achieved or are too early in the process for fair assessment, this area remains one of the major issues for future research.

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